

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ASSOCIATION OF NEW JERSEY  
RIFLE & PISTOL CLUBS, INC.,  
*et al.*,

*Plaintiffs,*

V.

GURBIR GREWAL, *et al.*,

*Defendants.*

Hon. Peter G. Sheridan, U.S.D.J.

Hon. Lois H. Goodman, U.S.M.J.

Civil Action No. 18-cv-10507

## CIVIL ACTION

**(ELECTRONICALLY FILED)**

## **SECOND NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs submit this notice of supplemental authority relevant to the Court’s adjudication of the pending motions for summary judgment and Plaintiffs’ cross-motion for a stay. On April 19, 2019, the State filed a brief in opposition to a petition for a writ of certiorari in *Rogers v. Grewal*, No. 18-824 (U.S.), a case challenging New Jersey’s restrictive scheme for licensing the carrying of firearms outside the home for purposes of lawful self-defense. The final footnote of that brief states:

While the above discussion offers sufficient basis to deny this petition for certiorari altogether, this Court could also hold the petition pending this Court’s decision in *New York State Rifle & Pistol Association v. City of New York*, No. 18-280. Subsequent to the filing of this Petition, this Court granted the writ in *NYSRPA*, which asks “[w]hether [New York] City’s ban on transporting a licensed, locked, and unloaded handgun to a home or shooting range outside city limits is consistent with the Second Amendment, the Commerce Clause, and the constitutional right to travel.” Since disposition of this petition may be affected by the ultimate resolution of *NYSRPA*, the petition could be held pending that decision. Doing so is an established part of this Court’s practice, advances judicial economy, and signals nothing about the significance of the underlying constitutional provision, statute, or rule.

See Brief in Opposition to Petition for a Writ of Certiorari at 23 n.8, *Rogers v. Grewal*, No. 18-824 (Apr. 19, 2019) (attached as Exhibit A).

The State’s request to hold the *Rogers* petition—which is effectively the same as asking for a stay of proceedings in *Rogers*—severely undercuts its arguments against a stay in this case. In its reply brief in support of summary judgment, the State argued that a stay in this case was not warranted because it would be for an “undefined” period of time, Reply Br. in Supp. of State Defs.’ Mot. for Summ. J. Pursuant to Fed. R. Civ. P. 56(a) & in Opp. to Pls.’ Cross-Mot. for a Stay & for Summ. J. at 1 (Apr. 8, 2019), Doc. 97, but the same would be true of holding the *Rogers* petition. The State asserted that the question presented in *NYSRPA* is not the same as the question presented in this case, *id.* at 1–2, 4–6, but the question presented in *NYSRPA* is also different from the question presented in *Rogers*. And the State dismissed the notion that *NYSRPA* would alter an alleged “well-established body of Second Amendment jurisprudence,” *id.* at 1, but in *Rogers*, the State asserts that *NYSRPA* “may . . . affect[ ]” the disposition of other Second Amendment cases, Exhibit A at 23 n. 8. The State cannot have its cake and eat it too: the Supreme Court’s forthcoming decision in *NYSRPA* cannot simultaneously be unimportant and transformative; too-long-delayed and just-around-the-corner; idiosyncratic and sweeping.

As the State said in *Rogers*, staying this case “is an established part of this Court’s practice [and] advances judicial economy.” *Id.* This Court should grant Plaintiffs’ motion for a stay pending resolution of *NYSRPA*.

Dated: April 25, 2019

Respectfully submitted,

David H. Thompson\*  
Peter A. Patterson\*  
Haley N. Proctor\*  
J. Joel Alicea\*  
COOPER & KIRK, PLLC  
1523 New Hampshire Avenue, N.W.  
Washington, D.C. 20036  
(202) 220-9600  
(202) 220-9601 (fax)  
dthompson@cooperkirk.com

/s/Daniel L. Schmutter  
Daniel L. Schmutter  
Hartman & Winnicki, P.C.  
74 Passaic Street  
Ridgewood, New Jersey 07450  
(201) 967-8040  
(201) 967-0590 (fax)  
dschmutter@hartmanwinnicki.com

\* Admitted *pro hac vice*